

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

EZEQUIEL OLIVARES ABARCA, ALFREDO  
ALESNA JR., DAVID CAGLE, STEPHEN L.  
DAVIS, FRANK EADS, and KENNETH J.  
SURMAN, individually and on behalf of all  
those similarly situated,

Plaintiffs,

vs.

WERNER ENTERPRISES, INC., DRIVERS  
MANAGEMENT, LLC, and DOES 1-100,  
inclusive,

Defendants.

**8:14CV319**

**AMENDED  
CASE PROGRESSION ORDER**

WILLIAM SMITH, on behalf of himself and all  
others similarly situated, and on behalf of the  
general public,

Plaintiff,

vs.

WERNER ENTERPRISES, INC., d/b/a  
C.L. WERNER, INC., a corporation, and  
DOES 1-100, inclusive,

Defendants.

**8:15CV287**

**AMENDED  
CASE PROGRESSION ORDER**

BRIAN VESTER and JOEL MORALES,  
individually and on behalf of all others  
similarly situated,

Plaintiffs,

vs.

WERNER ENTERPRISES, INC., and  
DRIVERS MANAGEMENT, LLC;

Defendants.

**8:17CV145**

**AMENDED  
CASE PROGRESSION ORDER**

This matter comes before the Court on the Parties' Stipulation to Extend Discovery and Motion Deadlines ([Filing No. 291](#) in the lead case). After review of the parties' stipulation, the Court finds good cause to grant the requested extensions. Accordingly,

**IT IS ORDERED** that the Parties' Stipulation to Extend Discovery and Motion Deadlines ([Filing No. 291](#)) is granted and the case progression order is amended as follows:

- 1) The non-expert witness deposition deadline is **January 29, 2021**.
- 2) The deadline for completing written discovery under Rules 33, 34, and 36 of the Federal Rules of Civil Procedure is **January 29, 2021**. Motions to compel discovery under Rules 33, 34, and 36 must be filed by **February 12, 2021**.

**Note:** A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge on or before the motion to compel deadline to set a conference to discuss the parties' dispute, and after being granted leave to do so by the Court.

- 3) The deadline to identify affirmative expert witnesses and to complete affirmative expert disclosures for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), is **April 2, 2021**.
- 4) The deadline to identify rebuttal expert witnesses and to complete rebuttal expert disclosures is **June 4, 2021**.
- 5) The expert witness deposition deadline is **August 16, 2021**.
- 6) The deadline for filing motions to dismiss and motions for summary judgment is **October 15, 2021**.
- 7) Within 7-days after the Court rules on all motions for summary judgment the parties shall contact the undersigned magistrate judge to schedule a telephone conference to discuss the scheduling of the pretrial conference and trial.
- 8) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 9) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 23<sup>rd</sup> day of July, 2020.

BY THE COURT:

s/Michael D. Nelson  
United States Magistrate Judge